

AMENDED IN SENATE APRIL 13, 2005

SENATE BILL

No. 1106

**Introduced by Committee on Environmental Quality (Senators
Lowenthal (Chair), Campbell, Chesbro, Cox, Escutia, Figueroa,
Kuehl, Runner, and Simitian)**

March 3, 2005

An act to amend Sections 10406 and 12200 of, to add Sections 6615, 12201, 12203, 12207, 12209, 12211, 12215, and 12217 to, to add Article 3.5 (commencing with Section 12190) to Chapter 4 of Part 2 of Division 2 of, to repeal Sections 10233, 10308.5, 10354, 10507, 10855, 10860, 12150, 12153, 12155, 12157, 12158, 12159, 12160, 12161, 12162, 12162.5, 12163, 12164, 12168, 12169, 12181, 12182, 12185, 12210, 12213, 12225, and 12226 of, to repeal Article 2.1 (commencing with Section 12170) of Chapter 4 of Part 2 of Division 2 of, and to repeal and add Section 12205 of, the Public Contract Code, and to amend Sections 40183, 49120, and 49300 of, and to repeal ~~Article 3 (commencing with Section 42220) of Chapter 4 of,~~ Article 1 (commencing with Section 42360) of Chapter 6 of, ~~and~~ Article 2 (commencing with Section 42370) of Chapter 6 of, *and Chapter 4 (commencing with Section 42200) of,* Part 3 of Division 30 of, the Public Resources Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1106, as amended, Committee on Environmental Quality. Public contracts: procurement: recycled goods: solid waste.

(1) Existing law provides various procedures for the acquisition of goods and services by the state. Existing law also provides various procedures and requirements pertaining to the purchase of recycled items by the state.

This bill would consolidate, update, and clarify existing recycling laws, eliminate duplicative provisions, and establish or restate recycling goals and reporting requirements of state agencies in accordance with specified timeframes, as provided. The bill would also require local public entities to purchase recycled products instead of nonrecycled products, as specified.

(2) Existing law defines a “rural city” for purposes of certain provisions relating to waste management as an “incorporated city” that meets certain conditions. Existing law authorizes the formation of garbage and refuse disposal districts under certain conditions, including that the governing board of a district that includes only one “incorporated city” have 2 members selected by the board of supervisors and one member selected by the city council. Existing law also authorizes the legislative body of an “incorporated city” to contract for garbage collection and disposal, as specified.

This bill would remove the reference to cities described in these provisions as being incorporated.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6615 is added to the Public Contract
- 2 Code, to read:
- 3 6615. For all state contracts, and, to the extent feasible, all
- 4 federally funded contracts awarded pursuant to Chapter 1
- 5 (commencing with Section 10100), Chapter 2 (commencing with
- 6 Section 10290), Chapter 2.5 (commencing with Section 10700),
- 7 Chapter 3 (commencing with Section 12100), Chapter 3.5
- 8 (commencing with Section 12120), and Chapter 3.6
- 9 (commencing with Section 12125) of Part 2 of Division 2, shall
- 10 be in compliance with Section 12205.
- 11 SEC. 2. Section 10233 of the Public Contract Code is
- 12 repealed.
- 13 SEC. 3. Section 10308.5 of the Public Contract Code is
- 14 repealed.
- 15 SEC. 4. Section 10354 of the Public Contract Code is
- 16 repealed.
- 17 SEC. 5. Section 10406 of the Public Contract Code is
- 18 amended to read:

1 10406. Each procuring agency shall continuously review and
2 revise its procedures and specifications for the purchase of
3 lubricating oil and industrial oil to eliminate any exclusion of
4 recycled oils and any requirement that oils be manufactured from
5 virgin materials. This section does not prohibit a local agency
6 from purchasing virgin oil products for exclusive use in vehicles
7 whose warranties expressly prohibit the use of products
8 containing recycled oil.

9 SEC. 6. Section 10507 of the Public Contract Code is
10 repealed.

11 SEC. 7. Section 10855 of the Public Contract Code is
12 repealed.

13 SEC. 8. Section 10860 of the Public Contract Code is
14 repealed.

15 SEC. 9. Section 12150 of the Public Contract Code is
16 repealed.

17 SEC. 10. Section 12153 of the Public Contract Code is
18 repealed.

19 SEC. 11. Section 12155 of the Public Contract Code is
20 repealed.

21 SEC. 12. Section 12157 of the Public Contract Code is
22 repealed.

23 SEC. 13. Section 12158 of the Public Contract Code is
24 repealed.

25 SEC. 14. Section 12159 of the Public Contract Code is
26 repealed.

27 SEC. 15. Section 12160 of the Public Contract Code is
28 repealed.

29 SEC. 16. Section 12161 of the Public Contract Code is
30 repealed.

31 SEC. 17. Section 12162 of the Public Contract Code is
32 repealed.

33 SEC. 18. Section 12162.5 of the Public Contract Code is
34 repealed.

35 SEC. 19. Section 12163 of the Public Contract Code is
36 repealed.

37 SEC. 20. Section 12164 of the Public Contract Code is
38 repealed.

39 SEC. 21. Section 12168 of the Public Contract Code is
40 repealed.

1 SEC. 22. Section 12169 of the Public Contract Code is
2 repealed.

3 SEC. 23. Article 2.1 (commencing with Section 12170) of
4 Chapter 4 of Part 2 of Division 2 of the Public Contract Code is
5 repealed.

6 SEC. 24. Section 12181 of the Public Contract Code is
7 repealed.

8 SEC. 25. Section 12182 of the Public Contract Code is
9 repealed.

10 SEC. 26. Section 12185 of the Public Contract Code is
11 repealed.

12 SEC. 27. Article 3.5 (commencing with Section 12190) is
13 added to Chapter 4 of Part 2 of Division 2 of the Public Contract
14 Code, to read:

15
16 Article 3.5. Recycled Product Procurement Mandates
17 Pertaining to Local Governments
18

19 12190. (a) If fitness and quality are equal, each local
20 ~~government~~ *public* entity and each state *public* entity shall
21 purchase recycled products instead of nonrecycled products
22 whenever recycled products are available at the same or a lesser
23 total cost than nonrecycled products.

24 (b) A local public entity may give preference to suppliers of
25 recycled products.

26 (c) A local public entity may define the amount of this
27 preference.

28 12191. In bids in which the local government has reserved the
29 right to make multiple awards, the recycled product preference
30 cost shall be applied, to the extent possible, so as to maximize the
31 dollar participation of firms offering recycled product in the
32 contract award.

33 12192. All local public entities shall require the bidder to
34 specify the minimum, if not exact, percentage of recycled content
35 of both the postconsumer and secondary material regardless of
36 whether the product meets the minimum content requirements
37 required pursuant to Section 12209. All contract provisions
38 impeding the consideration of recycled products shall be deleted
39 in favor of performance standards.

1 12193. All printing contracts made by any local public entity
2 shall provide that the paper used shall meet the recycled content
3 requirements of Section 12209.

4 SEC. 28. Section 12200 of the Public Contract Code is
5 amended to read:

6 12200. For the purpose of this article, the following
7 definitions shall apply:

8 (a) “Board” means the California Integrated Waste
9 Management Board, as defined pursuant to Section 40110 of the
10 Public Resources Code.

11 (b) “Business” includes bidders, contractors, and other
12 interested parties that provide services to, or sell products to, the
13 state.

14 (c) “Department” means the Department of General Services.

15 (d) “Director” means the Director of General Services.

16 (e) “Postconsumer material” means a finished material that
17 would have been disposed of as a solid waste, having completed
18 its life cycle as a consumer item, and does not include
19 manufacturing wastes.

20 (f) “Product categories” include paper products, printing, and
21 writing papers, compost, cocompost, or mulch, glass, oil, plastic,
22 solvents, paint, tires, tire-derived products, antifreeze, and metal.

23 (g) “Purchase” means any contractual agreement that state
24 agencies use to obtain goods or materials.

25 (h) “Recycled products” mean goods or materials that meet the
26 requirements identified in Section 12209, including any good or
27 material that has been reused or refurbished without substantial
28 alteration of its form.

29 (i) “Reportable purchase” means the purchase of any goods or
30 materials, with recycled content or not, that may be reported or
31 categorized or classified within one of the product categories
32 identified in Section 12207.

33 (j) “Reportable recycled product purchase” means the
34 purchase of any goods or materials that meet the requirements
35 identified in Section 12209, that may be reported or categorized
36 or classified within one of the product categories identified in
37 Section 12207, including any good or material that has been
38 reused or refurbished without substantial alteration of its form.

39 (k) “SABRC” means the State Agency Buy Recycled
40 Campaign.

(l) “Secondary material” means fragments of finished products or finished products of a manufacturing process, that has converted a resource into a commodity of real economic value, but does not include excess virgin resources of the manufacturing process, such as fibers recovered from wastewater, trimmings of paper machine rolls, mill broke, plastic, or metal trimmings, or shavings, or other residue from a manufacturing process. Secondary material does not include postconsumer material, so that the secondary material plus the postconsumer material plus the virgin material adds up to 100 percent of the product.

(m) “State agency” means each entity identified in Section 11000 of the Government Code, and includes the California State University.

SEC. 29. Section 12201 is added to the Public Contract Code, to read:

12201. (a) The Legislature finds and declares that it is the policy of the state to conserve and protect its resources. The Legislature further finds and declares that the use of recycled products produced as the result of the superior waste management efforts by the state and local governmental entities will help conserve resources.

(b) It is the intent of the Legislature that the state pursue all feasible measures to improve markets for recycled products including, but not limited to, bid evaluation preferences for purchases made by the state.

(c) If fitness and quality are equal, each state agency shall purchase recycled products instead of nonrecycled products whenever recycled products are available at the same or a lesser total cost than nonrecycled products.

SEC. 30. Section 12203 is added to the Public Contract Code, to read:

12203. Each state agency shall ensure each of the following:

(a) By July 1, 2005, and annually thereafter, at least 50 percent of reportable purchases are recycled products.

(b) The requirements specified in this article apply to all reportable purchases of state agencies for product categories listed in this article.

(c) The reportable purchases of state agencies shall meet each ~~goal~~ *requirement* for, and be applied to the total dollar amount of, each specified product category as defined in this section. The

1 purchase of a recycled-product from one category may not be
2 applied toward the ~~goals~~ *requirements* for, or the total dollar
3 amount of, any other category listed in this section.

4 (d) Each state agency shall require the businesses with whom
5 it contracts to use, to the maximum extent economically feasible
6 in the performance of the contract work, recycled products.

7 SEC. 31. Section 12205 of the Public Contract Code is
8 repealed.

9 SEC. 32. Section 12205 is added to the Public Contract Code,
10 to read:

11 12205. (a) (1) All state agencies shall require all businesses
12 to certify in writing the minimum percentage, if not the exact
13 percentage, of postconsumer and secondary material in the
14 products, materials, goods, or supplies offered or sold to the state
15 regardless of whether the product meets the requirements of
16 Section 12209. The certification shall be furnished under penalty
17 of perjury. The certification shall be provided regardless of
18 content, even if the product contains no recycled material.

19 (2) With respect to printer or duplication cartridges that
20 comply with the requirements of subdivision (e) of Section
21 12156, the certification required by this subdivision shall specify
22 that the cartridges so comply.

23 (b) (1) All local public agencies shall require all businesses to
24 certify in writing the minimum percentage, if not the exact
25 percentage, of postconsumer and secondary material in the
26 products, materials, goods, or supplies offered or sold. All
27 contract provisions impeding the consideration of products with
28 recycled product shall be deleted in favor of performance
29 standards.

30 (2) With respect to printer or duplication cartridges that
31 comply with the requirements of subdivision (e) of Section
32 12156, the certification required by this subdivision shall specify
33 that the cartridges so comply.

34 (c) (1) All businesses shall certify in writing to the contracting
35 officer or his or her representative the minimum percentage, if
36 not the exact percentage, of postconsumer and secondary
37 material in the products, materials, goods, or supplies being
38 offered or sold to the state regardless of whether the product
39 meets the requirements of Section 12209. The certification shall
40 be furnished under penalty of perjury. The certification shall be

1 provided regardless of content, even if the product contains no
2 recycled material.

3 (2) With respect to printer or duplication cartridges that
4 comply with the requirements of subdivision (e) of Section
5 12156, the certification required by this subdivision shall specify
6 that the cartridges so comply.

7 (d) (1) All businesses shall certify in writing to the
8 contracting officer or his or her representative the minimum, if
9 not exact, percentage of secondary and postconsumer material in
10 the products, materials, goods, or supplies being offered or sold
11 to any local public agency.

12 (2) With respect to printer or duplication cartridges that
13 comply with the requirements of subdivision (e) of Section
14 12156, the certification required by this subdivision shall specify
15 that the cartridges so comply.

16 SEC. 33. Section 12207 is added to the Public Contract Code,
17 to read:

18 12207. This article applies to the purchase of goods and
19 materials from the following product categories:

20 (a) Paper products, including, but not limited to, paper
21 janitorial supplies, cartons, wrapping, packaging, file folders, and
22 hanging files, building insulation and panels, corrugated boxes,
23 tissue, and toweling.

24 (b) Printing and writing papers including, but not limited to,
25 copy, xerographic, watermark, cotton fiber, offset, forms,
26 computer printout paper, white wove envelopes, manila
27 envelopes, book paper, note pads, writing tablets, newsprint, and
28 other uncoated writing papers, posters, index cards, calendars,
29 brochures, reports, magazines, and publications.

30 (c) Mulch, compost, and cocompost products including soil
31 amendments, erosion controls, soil toppings, ground covers,
32 weed suppressants, and organic materials used for water
33 conservation.

34 (1) “Compost” means a product that meets the following
35 requirements:

36 (A) It results from the controlled biological decomposition of
37 organic materials, including, but not limited to, yard trimmings
38 and wood byproducts that are separated from the municipal solid
39 waste stream at the source of generation or at a centralized
40 facility, or other source of organic materials.

1 (B) It is produced by a public or private supplier that is in
2 compliance with the board's composting operations regulatory
3 requirements.

4 (2) "Cocompost" means a product that meets the following
5 requirements:

6 (A) It results from the controlled biological decomposition of
7 a blend of organic materials, including, but not limited to, yard
8 trimmings and wood byproducts that are separated from the
9 municipal solid waste stream at the source of generation or at a
10 centralized facility, and also including, but not limited to,
11 biosolids or other comparable substitutes such as livestock,
12 horse, or other animal manure, food residues, or fish processing
13 byproducts.

14 (B) It is produced by a public or private supplier that is in
15 compliance with the board's composting operations regulatory
16 requirements.

17 (3) "Mulch" means a product that meets the following
18 requirements:

19 (A) It results from the mechanical breakdown (chipping and
20 grinding) of materials, including, but not limited to, yard
21 trimmings and wood byproducts that are separated from the
22 municipal solid waste stream at the source of generation or at a
23 centralized facility.

24 (B) It is produced by a public or private supplier that is in
25 compliance with the board's composting operations regulatory
26 requirements.

27 (d) Glass products including, but not limited to, windows, test
28 tubes, beakers, laboratory or hospital supplies, fiberglass
29 (insulation), reflective beads, tiles, construction blocks, desktop
30 accessories, flat glass sheets, loose-grain abrasives, deburring
31 media, liquid filter media, and containers.

32 (e) Lubricating oils including, but not limited to, any oil
33 intended for use in a crankcase, transmission, engine, power
34 steering, gearbox, differential chainsaw, transformer dielectric
35 fluid, cutting, hydraulic, industrial, or automobile, bus, truck,
36 vessel, plane, train, heavy equipment, or machinery powered by
37 an internal combustion engine.

38 (f) (1) Plastic products including, but not limited to, printer or
39 duplication cartridges, diskette, carpet, office products, plastic
40 lumber, buckets, wastebaskets, containers, benches, tables,

1 fencing, clothing, mats, packaging, signs, posts, binders, sheet,
2 buckets, building products, garden hose, and trays.

3 (2) For purposes of this subdivision, “printer or duplication
4 cartridges” has the same meaning as described in paragraph (2)
5 of subdivision (f) of Section 12209.

6 (g) Solvents including, but not limited to, printer cleaner,
7 copier cleaner, engine degreaser, and parts cleaner.

8 (h) Paint, including, but not limited to, water-based paint,
9 graffiti abatement, interior and exterior, and maintenance.

10 (i) Antifreeze, including recycled antifreeze, and antifreeze
11 containing a bittering agent or made from polypropylene or other
12 similar nontoxic substance.

13 (j) Tires including, but not limited to, truck and bus tires, and
14 those used on fleet vehicles and passenger cars.

15 (k) Tire-derived products including, but not limited to,
16 flooring, mats, wheelchair ramps, playground cover, parking
17 bumpers, bullet traps, hoses, bumpers, truck bedliners, pads,
18 walkways, tree ties, road surfacing, wheel chocks, rollers, traffic
19 control products, mudflaps, and posts.

20 (l) Metal including, but not limited to, staplers, paper clips,
21 steel furniture, desks, pedestals, scissors, jacks, rebar, pipe,
22 plumbing fixtures, chairs, ladders, file cabinets, shelving,
23 containers, lockers, sheet metal, girders, building and
24 construction products, bridges, braces, nails, and screws.

25 SEC. 34. Section 12209 is added to the Public Contract Code,
26 to read:

27 12209. For purposes of this article, the following minimum
28 content requirements apply:

29 (a) For recycled paper products, the total weight shall consist
30 of at least 30 percent postconsumer fiber. For the purposes of this
31 article, the postconsumer content requirement for recycled paper
32 products shall be 40 percent by July 1, 2006, and 50 percent by
33 July 1, 2008.

34 (b) Recycled printing and writing paper shall consist of at least
35 30 percent, by fiber weight, postconsumer fiber. For the purposes
36 of this article, the postconsumer content requirement for recycled
37 printing and writing paper shall be 40 percent by July 1, 2006,
38 and 50 percent by July 1, 2008.

39 (c) For recycled compost, cocompost, and mulch, at least 80
40 percent of the product shall consist of materials, including, but

1 not limited to, the materials listed in subdivision (c) of Section
2 12207, that would otherwise be normally disposed of in landfills.

3 (d) For recycled glass, the total weight shall consist of at least
4 10 percent postconsumer material.

5 (e) Rerefined lubricating oil shall have a base oil content
6 consisting of at least 70 percent rerefined oil.

7 (f) (1) For recycled plastic products, other than printer or
8 duplication cartridges, the total weight shall consist of at least 10
9 percent postconsumer material.

10 (2) Recycled printer or duplication cartridges shall comply
11 with either the requirements set forth in subdivision (e) of
12 Section 12156 or the general requirement for recycled plastic
13 products set forth in paragraph (1).

14 (g) Recycled antifreeze fluid shall have a recycled content of
15 at least 70 percent postconsumer materials.

16 (h) Recycled paint shall have a recycled content consisting of
17 at least 50 percent postconsumer paint. Preconsumer or
18 secondary paint does not qualify as “recycled paint” pursuant to
19 this subdivision. If paint containing 50 percent postconsumer
20 content is unavailable, or is restricted by a local air quality
21 management district, a state agency may substitute paint with at
22 least 10 percent postconsumer content.

23 (i) Retreaded tires must use an existing casing that has
24 undergone an approved or accepted recapping or retreading
25 process, in accordance with Chapter 7 (commencing with Section
26 42400) of Part 3 of Division 30 of the Public Resources Code.

27 (j) For tire-derived products, the total content shall consist of
28 at least 50 percent recycled used tires.

29 (k) For recycled metal products, the total weight shall consist
30 of ~~a~~ at least 10 percent postconsumer material.

31 (l) For reused or refurbished products, there is no minimum
32 content requirement.

33 SEC. 35. Section 12210 of the Public Contract Code is
34 repealed.

35 SEC. 36. Section 12211 is added to the Public Contract Code,
36 to read:

37 12211. (a) Each state agency shall report annually to the
38 board their progress in meeting the recycled product purchasing
39 requirements using the SABRC report form provided by the
40 board.

1 (b) On or before October 31 of each year, the department shall
2 provide to the board the following information:

3 (1) A list, by category, of individual reportable recycled
4 products, materials, goods, and supplies that were available for
5 purchase by state agencies from a statewide-use contract,
6 agreement, or schedule during the previous fiscal year.

7 (2) A list, by category, of all reportable products, materials,
8 goods, and supplies that were available for purchase by state
9 agencies from a statewide-use contract, agreement, or schedule,
10 including contract, agreement, or schedule tracking numbers,
11 during the previous fiscal year.

12 (c) The board shall annually provide a department-specific
13 report to the Legislature identifying all state agency SABRC
14 reporting figures.

15 (d) Every three years, the board shall provide, as part of the
16 report described in subdivision (c), recommendations to the
17 Legislature for changes necessary to increase the purchase of
18 recycled content products, materials, goods, and supplies and
19 improve SABRC program efficiency.

20 SEC. 37. Section 12213 of the Public Contract Code is
21 repealed.

22 SEC. 38. Section 12215 is added to the Public Contract Code,
23 to read:

24 12215. Each state agency may, at the discretion of the
25 individual agency director or his or her designee, print a
26 statement on recycled products selected by the agency director.
27 This statement shall be determined by the department, in
28 consultation with the board, and shall be similar to the following:
29 “Contains at least ____ percent postconsumer and ____ percent
30 secondary material.”

31 SEC. 39. Section 12217 is added to the Public Contract Code,
32 to read:

33 12217. (a) If at any time a requirement has not been met, the
34 department, in consultation with the board, shall review
35 purchasing policies and shall make recommendations for
36 immediate revisions to ensure that the recycled product
37 purchasing requirements are met.

38 (b) In determining purchasing specifications, with the
39 exception of any specifications that have been established to
40 preserve the public health and safety, all state purchasing

1 specifications shall be established in a manner that results in the
2 maximum state purchase of recycled products.

3 (c) If a recycled product, as defined in subdivision (h) of
4 Section 12200, costs more than the same product made with
5 virgin material, the state agency shall, if feasible, purchase fewer
6 of those more costly products or apply the cost savings, if any,
7 gained from buying other recycled products towards the purchase
8 of those more costly products to meet the solid waste diversion
9 goals of Section 41780.

10 (d) Each state agency shall establish purchasing practices that
11 ensure the purchase of goods and materials that may be recycled
12 or reused. Each state agency shall continue activities for the
13 collection, separation, and recycling of recyclable materials and
14 may appoint a recycling coordinator to assist in implementing
15 this section.

16 (e) To assist the state in meeting the requirements of this
17 article, each state agency, and the department, in consultation
18 with the board, may also establish recycled product-only bids,
19 cooperative purchasing arrangements, or other mechanisms to
20 meet the requirements for recycled products and to encourage the
21 maximum state purchase of recycled products.

22 (f) The department, in consultation with the board, shall
23 review and revise the purchasing specifications used by state
24 agencies in order to eliminate restrictive specifications and
25 discrimination against the purchase of recycled products and to
26 ensure that they are drafted in a manner that results in the
27 maximum state purchase of recycled products. All contract
28 provisions impeding the consideration of recycled products shall
29 be deleted in favor of performance standards.

30 (g) Any state agency that is required to submit an SABRC
31 report to the board, pursuant to Section 12211, is subject to a
32 review conducted by the board or its designee.

33 SEC. 40. Section 12225 of the Public Contract Code is
34 repealed.

35 SEC. 41. Section 12226 of the Public Contract Code is
36 repealed.

37 SEC. 42. Section 40183 of the Public Resources Code is
38 amended to read:

39 40183. (a) “Rural city” means either of the following:

1 (1) A city that has a geographic area of less than three square
2 miles, has a current waste disposal rate of less than 100 cubic
3 yards per day, or 60 tons per day, and is located in a rural area.

4 (2) A city that has a population density of less than 1,500
5 people per square mile, has a current waste disposal rate of less
6 than 100 cubic yards per day, or 60 tons per day, and is located in
7 a rural area.

8 (b) Nothing in this section shall affect any reduction granted to
9 a rural city or rural county by the board pursuant to Section
10 41787 prior to September 1, 1994.

11 ~~SEC. 43. Article 3 (commencing with Section 42220) of~~
12 ~~Chapter 4 of Part 3 of Division 30 of the Public Resources Code~~
13 ~~is repealed.~~

14 *SEC. 43. Chapter 4 (commencing with Section 42200) of Part*
15 *3 of Division 30 of the Public Resources Code is repealed.*

16 SEC. 44. Article 1 (commencing with Section 42360) of
17 Chapter 6 of Part 3 of Division 30 of the Public Resources Code
18 is repealed.

19 SEC. 45. Article 2 (commencing with Section 42370) of
20 Chapter 6 of Part 3 of Division 30 of the Public Resources Code
21 is repealed.

22 SEC. 46. Section 49120 of the Public Resources Code is
23 amended to read:

24 49120. (a) Within 30 days after the filing with the Secretary
25 of State of the certified copy of the order of formation, a
26 governing board of trustees for the district shall be appointed.

27 (b) The governing board of a district is a board of directors of
28 not less than three members. The district board shall be appointed
29 as follows:

30 (1) If the district includes only one city, two members of the
31 governing body shall be selected by the board of supervisors and
32 one member of the governing body shall be selected by the city
33 council.

34 (2) If the district includes two or more cities, only one member
35 of the governing body of the district shall be selected by the
36 board of supervisors to represent the unincorporated area. The
37 legislative body of each city within the district shall appoint one
38 member to represent each incorporated city within the district. If
39 the selection of members pursuant to this subdivision results in
40 the governing body having an even number of members, those

1 members may appoint an additional member from the district at
2 large.

3 (c) A vacancy shall be filled in the same manner as an original
4 appointment. The person appointed shall reside within the area
5 he or she represents.

6 SEC. 47. Section 49300 of the Public Resources Code is
7 amended to read:

8 49300. The legislative body of a city may contract for the
9 collection or disposal, or both, of garbage, waste, refuse, rubbish,
10 offal, trimmings, or other refuse matter under the terms and
11 conditions that are prescribed by the legislative body of the city
12 by resolution or ordinance.